

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
Telecommunications Relay Services for)	
Individuals with Hearing and Speech)	CC Docket No. 98-67
Disabilities, and the Americans with)	
Disabilities Act of 1990)	

**COMMENTS
WORLDCOM, INC.**

WorldCom, Inc., d/b/a/ MCI hereby responds to comments filed by AT&T Corp. (“AT&T”), and Hamilton Relay, Inc. (“Hamilton”) in response to the Interstate Telecommunications Relay Services Fund Payment Formula and Fund Size Estimate submitted by the National Exchange Carrier Association (“NECA”).¹ MCI supports AT&T’s request to clarify that relay providers are not required to serve international Internet protocol (“IP”) traffic if they are not allowed to be reimbursed for this traffic. MCI opposes Hamilton’s request to deny cost recovery to IP Relay providers who, it asserts, did not meet certain *de minimus* TRS requirements.

MCI agrees with AT&T that the Commission should clarify that IP Relay providers are not required to provide international service if reimbursement is denied for this class of service. Relay providers are entitled to recover the costs associated with providing relay service.

¹ Telecommunications Services for Individuals with Hearing and Speech Disabilities and the Americans with Disabilities Act of 1990, Interstate Telecommunications Relay Services Fund Payment Formula and Fund Size Estimate, Errata, filed May 5, 2002 (“NECA TRS Proposal”).

Conversely if reimbursement for a particular service is denied, relay providers should not be required to provide that service. Although MCI received informal assurances from Commission staff that relay providers would no longer be required to provide this service once NECA stopped reimbursing for international traffic, relay providers may not rely on such informal statements, since the Commission is not bound by promises or advice given by subordinate staff.² The Commission should therefore officially waive the requirement to carry international IP traffic.

Hamilton incorrectly asserts that NECA has paid IP Relay providers that provided IP Relay service even though they did not comply with the Commission's rules at the time.³ As MCI made clear in its May 16, 2003 Petition for Clarification and Reconsideration, it fully complied with the requirements of the Commission's IP Relay Order and is entitled to full reimbursement.⁴ MCI's petition also showed that the Commission erred in not making its waivers of the pay-per-call and single line hearing carryover requirement retroactive. The Commission should therefore disregard Hamilton's request to seek return of monies paid for carrying millions of IP Relay calls.

For the reasons stated herein, the Commission should clarify that relay providers are not required to serve international Internet protocol ("IP") traffic and should deny Hamilton's proposal to deny cost recovery to IP Relay providers who it asserts did not meet certain *de minimus* TRS requirements.

² *Malkan FM Associates v. FCC*, 935 F.2d 1313 (D.C. Cir. 1991) (affirming Commission decision to enforce its rules despite earlier staff statements giving erroneous interpretation of the rules at official seminar).

³ Comments of Hamilton Relay Inc., Telecommunications Services for Individuals with Hearing and Speech Disabilities and the Americans with Disabilities Act of 1990, Interstate Telecommunications Relay Services Fund Payment Formula and Fund Size Estimate, CC Docket No. 98-67 at 5.

⁴ WorldCom Petition for Clarification and Reconsideration, Telecommunications Services and Speech-to-Speech Service for Individuals with Hearing and Speech Disabilities, CC Docket No. 98-67, May 16, 2003, at 5,8. MCI hereby incorporates by reference the comments articulated in its Petition.

Respectfully submitted,

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May 29, 2003

Statement of Verification

I have read the foregoing, and to the best of my knowledge, information, and belief, there is good ground to support it, and it is not interposed for delay. I verify under penalty of perjury that the foregoing is true and correct.

Executed on May 29, 2003

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Certificate of Service

I, L. Elizabeth Bryant, do hereby certify that copies of the foregoing Petition for Reconsideration of WorldCom Inc. were sent on this 29th day of May, 2003, via first-class mail, postage pre-paid, to the following:

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